

1 Honorable Marsha J. Pechman
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 DEREK TUCSON, ROBIN SNYDER,
10 MONSIEREE DE CASTRO, and ERIK
11 MOYA-DELGADO,

Plaintiffs,

12 v.
13 CITY OF SEATTLE, ALEXANDER
14 PATTON, TRAVIS JORDAN, DYLAN
NELSON, JOHN DOES (#1-4), and JANE
DOES (#1-2)

Defendants.

16 No. 2:23-cv-00017-MJP

17 DECLARATION OF ERIK MOYA-
18 DELGADO IN SUPPORT ON MOTION
19 FOR PRELIMINARY INJUNCTION

I, Erik Moya-Delgado declare:

1. I am over the age of 18 and am competent to testify. I am a Plaintiff in this case. I have
personal knowledge of the following.
2. On January 1, 2021, the defendants arrested me for writing in temporary sidewalk chalk
on the barrier obstructing the sidewalk outside of the East Precinct building. My message
was protesting racialized violence by the Seattle Police Department and expressing
solidarity with victims. Communicating my message to the police specifically was my
goal. My message was intended for the public and for government officials like police
officers and that audience was an important part of my message.

27 DECLARATION OF ERIK MOYA-DELGADO ISO MOTION FOR
PRELIMINARY INJUNCTION - 1

No. 2:23-cv-00017-MJP

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705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

3. Before this incident, I had been chalking the names of police violence victims at vigils and memorials, using temporary chalk on public sidewalks.
 4. Since the arrest, I have not engaged in any public chalking to express political views or urge political change. The arrest caused me to stop chalking and continues to dissuade me from chalking. I believe the Seattle Police Department will continue to use the law against me, and will prosecute me chalking if engage in this kind of political expression again. I also worry that the record of my first arrest for chalking would be used against me.
 5. If the law the SPD used to arrest me was found unconstitutional and the SPD was prohibited from arresting, prosecuting, or retaliating against me for chalking, then I would very likely resume my political chalking.
 6. In response to this lawsuit, I understand the City recently amended the ordinance I was arrested under. I have reviewed the language of the amended ordinance, which does not alleviate my fear of arrest for chalking.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

DATED this 21 day of March, 2023, at Seattle, Washington.

Erik Moya-Delgado (Mar 21, 2023 14:09 PDT)

Erik Moya-Delgado

DECLARATION OF ERIK MOYA-DELGADO ISO MOTION FOR PRELIMINARY INJUNCTION - 2

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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following individuals:

Attorneys for Defendants

Ann Davison
Seattle City Attorney

Jessica Leiser, WSBA#49349
Assistant City Attorney
Email: Jessica.leiser@seattle.gov

Kerala Cowart, WSBA #53649
Assistant City Attorney
Email: kerala.cowart@seattle.gov

Seattle City Attorney's Office
701 Fifth Avenue, Suite 2050
Seattle, WA 98104

DATED this 23rd day of March, 2023, at Seattle, Washington.

s/ Lucas Wildner
Lucas Wildner, Legal Assistant

DECLARATION OF ERIK MOYA-DELGADO ISO MOTION FOR PRELIMINARY INJUNCTION - 3

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Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

Moya-Delgado Declaration

Final Audit Report

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"Moya-Delgado Declaration" History

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